

AMENDED IN SENATE APRIL 14, 2004

**SENATE BILL**

**No. 1677**

**Introduced by Senator Knight**

February 20, 2004

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An act to amend Section 13 3/4 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1677, as amended, Knight. Los Angeles County Flood Control District: ~~Storm~~ storm drains.

Existing law, the Los Angeles County Flood Control Act, establishes the Los Angeles County Flood Control District and authorizes the district to control and conserve the flood, storm, and other wastewater of the district. The act authorizes the board of the district to accept a transfer of a storm drain improvement or drainage system lying within or outside the district if certain requirements are met. The act authorizes a city or county with a storm drain improvement or drainage system within the district to transfer the improvement or system to the district upon a <sup>4</sup>/<sub>5</sub> vote of the legislative body of that city or county.

This bill would authorize the district to accept these described transfers. The bill would ~~authorize a city or county to request a transfer and conveyance of its storm drain improvement or drainage system to the district without that described vote~~ *delete the provision relating to the authority of a city or county to transfer the improvement or system to the district upon a <sup>4</sup>/<sub>5</sub> vote of the city's or county's legislative body.*

*The bill would authorize the Los Angeles County Board of Supervisors, which serves as the board of the district, and the governing body of a public agency, as defined, to assign designees to carry out functions*

*regarding the transfer and conveyance of the improvement or system to the district. The bill would exempt the district from any liability for any injury that is caused by a condition of any improvement or system unless the district or the designee has accepted the transfer and conveyance of the improvement or system. The bill would exempt the district from liability for any contractual obligation associated with the transfer and conveyance unless the district or the designee has accepted the obligation in writing. The bill would exempt a public agency from liability for any injury that is caused by a condition of any improvement or system the public agency has agreed to acquire for transfer and conveyance to the district, and that occurs after acceptance of the transfer and conveyance by the district or the designee.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13<sup>3/4</sup> of the Los Angeles County Flood  
2 Control Act (Chapter 755 of the Statutes of 1915) is amended to  
3 read:

4 Sec. 13<sup>3/4</sup>. (a) The Los Angeles County Flood Control  
5 District may accept a transfer and conveyance of a storm drain  
6 improvement or drainage system lying within or outside the  
7 territorial limits of the district, if the improvement or system  
8 benefits property within the territorial limits of the district,  
9 ~~whenever the governing body of any public agency owning or~~  
10 ~~exercising jurisdiction over the improvement or system requests~~  
11 ~~the Los Angeles County Flood Control District to accept the~~  
12 ~~improvement or system or when the owner tenders a conveyance~~  
13 ~~thereof. and the governing body of the public agency that has~~  
14 ~~constructed or acquired the improvement or system requests the~~  
15 ~~district to accept the transfer and conveyance of the improvement~~  
16 ~~or system.~~

17 (b) Upon acceptance, ~~the board of supervisors of the district~~  
18 shall assume sole control and jurisdiction over the improvement  
19 or system and shall thereafter provide for the operation,  
20 maintenance, repair, and improvement thereof, except that the  
21 district shall not assume or be liable for any bonded indebtedness  
22 in connection with the improvement or system.

~~(c) Any city or county within whose limits any storm drain improvement or drainage system has been constructed, and which improvement or system also lies within the territorial limits of the Los Angeles County Flood Control District, may request a transfer and conveyance to the district of a storm drain improvement or drainage system for future operation, maintenance, repair, and improvement by the district.~~

*(c) As used in this section, “public agency” means the state, any state agency, any city, county, or city and county, whether chartered or not, any district, any public authority, any public agency, any municipal corporation, or any other political subdivision or public corporation of the state.*

(d) Upon acceptance of any improvement or system under this section, the board of supervisors of the district may levy a special tax each year upon the taxable real property in the district sufficient to pay the cost and expenses of operating, maintaining, repairing, and improving the improvement or system so transferred and accepted, except for the payment of interest and principal on any outstanding bonds for which the district shall not be liable.

(e) The special tax shall also be levied, collected, and expended to pay the costs of operating, maintaining, repairing, and improving all storm drain improvements or drainage systems, or both, constructed by the district with bond funds authorized at any bond election held under the authority of this act. The tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the district and the board of supervisors may expend these funds to pay for costs described in this subdivision. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to, the taxes authorized to be levied under Section 14 of this act.

*(f) The board of supervisors of the district may assign a designee to act on behalf of the district regarding the acceptance of a storm drain improvement and drainage system by the district. The designee shall report all acceptances to the board within 30 days of the end of the district’s fiscal year, or at more frequent intervals if required by ordinance, resolution, or other legislative act adopted by the board of supervisors.*

(g) *The governing body of a public agency may assign a designee to act on its behalf regarding the transfer and conveyance of any storm drain improvement or drainage system to the district. The designee shall report any transfer and conveyance of any storm drain improvement or drainage system to the governing body of the public agency within 30 days of the end of the public agency's fiscal year, or at more frequent intervals as required by ordinance, resolution, or other legislative act adopted by the governing body of the public agency.*

(h) *The district shall not be liable for any injury caused by a condition of any storm drain improvement or drainage system that is to be transferred and conveyed to the district, unless the district or the designee of the district accepts the transfer and conveyance of the storm drain improvement or drainage system. The district shall not be liable for any contractual obligation associated with any storm drain improvement or drainage system that is to be transferred and conveyed to the district, unless the district or the designee of the district accepts the contractual obligation in writing.*

(i) *A public agency shall not be liable for any injury that is caused by a condition of any storm drain improvement or drainage system the public agency has agreed to acquire for transfer and conveyance to the district, and that occurs after acceptance of the storm drain improvement or drainage system by the district or the designee of the district.*

CORRECTIONS

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